

AUG 31 2016

OSM

U.S. COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

No. 15-382V

Filed: August 5, 2016

Not to be Published

FILED

AUG - 5 2016

U.S. COURT OF
FEDERAL CLAIMS

PHETSAMAI KHAMPO,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Failure to Prosecute;
Failure to Follow Court
Orders; Dismissal

DECISION DISMISSING PETITION

On April 16, 2015, Petitioner filed a Petition for Vaccine Compensation in the National Vaccine Injury Compensation Program,¹ alleging that Petitioner was injured by a vaccine or vaccines listed on the Vaccine Injury Table. *See* § 14. I hereby dismiss this petition because Petitioner has failed to prosecute or prove this case.

Between May and August of 2015, Petitioner filed various medical records. (See ECF Nos. 8, 9, 13, 14.) On August 19, 2015, Petitioner filed a Statement of Completion indicating that all of the medical records that are relevant to her claim have been filed.

On September 21, 2015, Respondent filed Respondent's "Rule 4(c) Report," arguing that this case should be dismissed, because evidence in Petitioner's medical records was insufficient to establish a causal link between her vaccinations and the alleged injury.

On December 11, 2015, Special Master Christian Moran filed an Order requiring Petitioner to file the report of a medical expert within 60 days. (ECF No. 23.) On February 9, 2016, Petitioner received an enlargement of time to file her expert report. (ECF No. 27.)

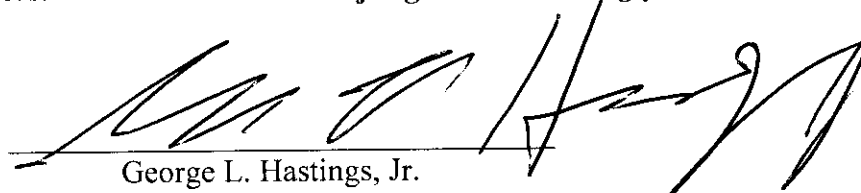
¹ The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

This case was reassigned to my docket on February 29, 2016. On March 28, 2016, I granted Petitioner's request for another enlargement of time, until May 12, to file an expert report. (ECF No. 31.) However, on May 11, 2016, Petitioner's counsel filed a Motion requesting to be relieved of the duties of counsel. (ECF No. 33.) I granted the request of Petitioner's counsel on May 17, 2016, and informed Petitioner that she must represent herself in this case. (ECF No. 36.)

On May 25, 2016, I filed an Order requiring Petitioner to file a medical doctor's opinion in support of her claim, by July 25, 2016. (ECF No. 37.)

Petitioner did not file a timely expert report, nor did she request more time to do so. It is Petitioner's duty to prosecute her case, and to follow court orders. *Tsekouras v. Sec'y, HHS*, 26 Cl. Ct. 439 (1992), *aff'd per curiam*, 991 F.2d 810 (Fed. Cir. 1993); *Sapharas v. Sec'y, HHS*, 35 Fed. Cl. 503 (1996); Vaccine Rule 21(b). Accordingly, **this case is dismissed for failure to prosecute and failure to follow court orders. The clerk shall enter judgment accordingly.**

IT IS SO ORDERED.



George L. Hastings, Jr.
Special Master